



**File Code:** 1570-1 (215)  
#10-01-00-0053

**Date:** June 22, 2010

Sara Jane Johnson  
Native Ecosystems Council  
P.O. Box 2171  
Willow Creek, MT 59760

Dear Ms. Johnson:

This is my decision on disposition of the appeal you filed on behalf of the Native Ecosystems Council and Alliance for the Wild Rockies, regarding the Bozeman Municipal Watershed Record of Decision (ROD) on the Gallatin National Forest.

My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.18 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. I have reviewed the appeal record, including your arguments, the information referenced in the Forest Supervisor's June 3, 2010, transmittal letter, and the Appeal Reviewing Officer's recommendation (copy enclosed). The transmittal letter provides the specific page references to discussions in the ROD and project file, which bear upon your objections. I specifically incorporate into this decision the appeal record, the references and citations contained in the transmittal letter, and the Appeal Reviewing Officer's recommendation.

The Appeal Reviewing Officer has considered the arguments in both of the appeals of this project, the appeal record, and the transmittal letter and recommends the Forest Supervisor's decision be reversed based on an issue in the other appeal.

I agree with the Appeal Reviewing Officer's conclusions concerning the Regional Soils Quality Standards. Based upon a review of the references and citations provided by the Forest Supervisor, I find it is not clear how the analysis is consistent with the Regional Soil Quality Standards (FSM 2500-99-1) concerning detrimental soil disturbance. After careful consideration of the above factor, I reverse the Forest Supervisor's decision to implement the Bozeman Municipal Watershed project. The requested relief to remand the project back to the Forest is granted.

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

*/s/ Jane L. Cottrell*  
JANE L. COTTRELL  
Deputy Regional Forester



cc: Mary C Erickson  
Kevin Riordan  
Steve Christiansen  
Ray G Smith